

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074

MINORITY (202) 225-5051

<https://oversight.house.gov>

May 17, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Regan,

We write to express disappointment that the Environmental Protection Agency (EPA) refused to appear at today's Subcommittee hearing. The EPA is not—nor should it want to be—immune to congressional oversight. Once again, we write to invite the EPA to testify at a hearing before the Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs at a hearing to examine the EPA's proposed emissions standards for light-, medium- and heavy-duty vehicles.

On April 27, 2023, our staff contacted the EPA Office of Legislative Affairs informing them that the Subcommittee intended to invite two EPA officials to a hearing on May 17, 2023. Chairman Fallon transmitted official invitation letters to those two EPA officials on May 3, 2023, two weeks prior to the hearing and requesting a response by May 9, 2023. The invitations indicated that the hearing's purpose was to examine EPA's proposed emissions standards for light-, medium- and heavy-duty vehicles. By the EPA's own estimates, the two proposed rules will cost billions of dollars and have a major impact on the vehicle market.¹

On the afternoon of May 10, 2023, the EPA transmitted a letter, dated May 9, 2023, declining these invitations.² Through the letter, the EPA notified the Committee for the first time that the invited EPA officials "are fully scheduled to engage in other Agency business on the date of your hearing" and that they would be engaged with "previously scheduled meetings with Members of Congress and representatives of the regulated community, the rescheduling of which would constitute a hardship for our external stakeholders."³ The EPA also declined the invitations "because the proposed rules [Chairman Fallon] identified as the subjects of the

¹ See *Proposed Standards to Reduce Greenhouse Gas Emissions from Heavy-Duty Vehicles for Model Year 2027 and Beyond* 88 Fed. Reg. 25926 (Apr. 27, 2023); *Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles*, 88 Fed. Reg. 29184 (May 5, 2023).

² Letter from Tim Del Monico, Associate Administrator, Environmental Protection Agency to Hon. Pat Fallon, Chairman, Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs, Committee on Oversight and Accountability (Dated May 9, 2023, transmitted May 10, 2023).

³ *Id.*

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hearing are currently open for public comment.” The EPA stated it is only willing to appear at a hearing “once the rules are final.”⁴

To claim the EPA can only testify about final rules is a convenient excuse to avoid congressional scrutiny. The proposed rules at question will dramatically affect the vehicle market, and therefore American consumers and the American economy. The EPA ought to be willing to come before Members of Congress to answer questions about its proposed rules.

Further, you have testified before Congress about proposed rules. On the morning of May 10, 2023, just hours before the EPA transmitted its letter to the Committee, you testified at a congressional hearing discussing various proposed rules in response to questioning from Members of Congress.⁵ Indeed, your opening statement actually characterized the very rules the Subcommittee hearing would explore as “the strongest ever standards for cars and trucks...”⁶

To enable essential oversight over the EPA’s proposed emissions standards for light-, medium- and heavy-duty vehicles, please provide availability for Joseph Goffman, Principal Deputy Assistant Administrator, Office of Air and Radiation as well as Sarah Dunham, Director, Office of Transportation and Air Quality, to appear at a Subcommittee hearing in June 2023, no later than May 22, 2023.

The U.S. Constitution, by vesting Congress with legislative authority, requires Congress to exercise an oversight function to obtain information necessary to legislate.⁷ The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate, “any matter” at “any time” under House Rule X. The Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs has “jurisdiction over regulatory affairs...” under the Committee on Oversight and Accountability Rules for the 118th Congress.

Thank you for your attention to this important matter. For any questions, please contact the Committee on Oversight and Accountability Majority staff at (202) 225-5074.

⁴ *Id.*

⁵ *The Fiscal Year 2024 Environmental Protection Agency Budget: Hearing Before H. Comm. on Energy & Commerce*, 118th Cong. (May 10, 2023) (statements of Hon. Michael S. Regan, Administrator, Environmental Protection Agency), available at <https://energycommerce.house.gov/events/environment-manufacturing-and-critical-materials-subcommittee-hearing-the-fiscal-year-2024-environmental-protection-agency-budget>.

⁶ *Id.*

⁷ See e.g. *McGrain v. Daugherty*, 273 U.S. 135 (1927) (Noting that Congress has the power to compel information necessary to enable its legislative functions).

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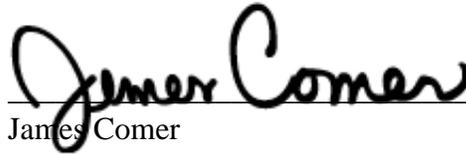
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Sincerely,



Pat Fallon
Chairman
Subcommittee on Economic Growth,
Energy Policy, and Regulatory Affairs



James Comer
Chairman
Committee on Oversight and Accountability

cc: The Honorable Cori Bush, Ranking Member
Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs

The Honorable Jamie B. Raskin, Ranking Member
Committee on Oversight and Accountability